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UNITED STATES DISTRICT COURT
 FOR THE CENTRAL DISTRICT OF CALIFORNIA
 SOUTHERN DIVISION

United States of America,)	No. SACV 08-450-AG (AGRx)
)	
Plaintiff,)	[PROPOSED] PARTIAL CONSENT
)	JUDGMENT AS TO \$190,233.71 IN
v.)	U.S. CURRENCY
)	

ONE 2006 MERCEDES E55, ONE)	
BREITLING K13355 WATCH,)	[This Proposed Consent
\$237,150.00 IN U.S. CURRENCY,)	Judgment Is Not Dispositive of
\$12,636.49 IN BANK ACCOUNT)	This Entire Action]
FUNDS, AND \$35,786.45 IN)	
ACCOUNT FUNDS,)	
)	

Defendants.

JAMES LAMMERDING,

Claimant.

On April 25, 2008, plaintiff United States of America ("the government") filed a Verified Complaint for Forfeiture pursuant

1 to 21. U.S.C. §§ 881 (A)(4) and (a)(6) against the defendants:
2 One 2006 Mercedes E55, One Breitling KL3355 Watch, \$237,150.00 in
3 U.S. Currency, \$12,636.49 in Bank Account Funds, and \$35,786.45
4 in Account Funds ("collectively referred to hereafter as "the
5 defendant assets").

6 The government notified potential claimants of this action
7 and published notice of this action as required by Supplemental
8 Rule G (4)(a) of the Federal Rules of Civil Procedure.

9 Claimant James Lammerding ("Lammerding") filed a claim as to
10 his interest in the defendant assets on May 21, 2008. No other
11 parties have appeared in this case.

12 The government and Lammerding have now agreed that
13 \$190,233.71 of the seized currency may be applied toward
14 Lammerding's tax liability with the Internal Revenue Service for
15 the years 2005 through 2007.

16 The parties hereby request the Court enter this Partial
17 Consent Judgment as to \$190,233.71 in U.S. Currency.

18 **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:**

19 1. This Court has jurisdiction over the subject matter of
20 this action and over the parties to the Partial Consent Judgment.

21 2. Lammerding's tax liability for the years 2005 through
22 2007 is estimated to be \$190,233.71.

23 3. Lammerding agrees to release \$190,233.71 in U.S. Currency
24 from the defendant assets currently being held by the United
25 States Marshal Service ("USMS"). The remaining defendant assets
26 will continue to be held by the USMS pending the disposition of
27 this matter.
28

1 4. Within 60 days of the entry of this Partial Consent
2 Judgment, USMS will remit \$190,233.71 to the Internal Revenue
3 Service to be applied to Lammerding's tax liability. Said
4 remittance shall be forwarded to the following address:

5 Internal Revenue Service
6 Appeals Office
7 Attn: Carol Nguyen
8 Mail Stop 8900
 24000 Avila Road, Suite 4404
 Laguna Niguel, CA 92677-3405

9 Lammerding's social security number shall also be noted on the
10 remittance payment.

11 5. Lammerding hereby releases the United States of America,
12 its agencies, agents, and officers, including employees and
13 agents of the Drug Enforcement Administration, from any and all
14 claims, actions or liabilities arising out of or related to this
15 action, including, without limitation, any claim for attorney's
16 fees, costs or interest which may be asserted on behalf of the
17 claimant, whether pursuant to 28 U.S.C. § 2465 or otherwise.

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1 6. The court finds that there was reasonable cause for the
2 seizure of the defendant assets and institution of these
3 proceedings. This judgment shall be construed as a certificate
4 of reasonable cause pursuant to 28 U.S.C. § 2465.
5

6
7 Dated: March 29, 2010



8 THE HONORABLE ANDREW J. GUILFORD
9 UNITED STATES DISTRICT JUDGE

10 CONSENTED TO:

11 Dated: March ___, 2010

12 ANDRÉ BIROTTE JR.
13 United States Attorney
14 CHRISTINE C. EWELL
15 Assistant United States Attorney
16 Chief, Criminal Division
17 STEVEN R. WELK
18 Assistant United States Attorney
19 Chief, Asset Forfeiture Section

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FRANK D. KORTUM
Assistant United States Attorney

Dated: March ___, 2010

SHAWN R. PEREZ, ESQ.
Attorney for James Lammerding

Dated: March ___, 2010

JAMES LAMMERDING
Claimant